IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

WP(C).No. 14944 of 2004(D)

PETITIONER:

S.ALOYSIUS, S/O.XAVIER(PEON, ST.JOSEPH, H.S.KADAPPAKKADA, KOLLAM RTD. USHABHAVAN, KANJIRAKODE, KUNDARA P.O. KOLLAM.

BY ADV. SRI.M.V.THAMBAN

RESPONDENTS:

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1. **THE STATE OF KERALA, REP. BY THE CHIEF SECRETARY TO THE GOVERNMENT, GOVERNMENT SECRETARIAT THIRUVANANTHAPURAM.**
2. **THE TAHSILDAR (R.R.) KOLLAM.**
3. **THE SUB TREASURY OFFICER, KUNDARA.**
4. **THE KERALA SCHOOL TEACHERS AND NON TEACHING STAFF WELFARE CORPORATION LTD., THIRUVANANTHAPURAM REP. BY ITS SECRETARY-CUM-TREASURER.**
5. **THE DEPUTY DIRECTOR(EDUCATION), KOLLAM.**

BY GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.14944/2004

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE NOTICE u/s. 7 OF THE R.R.ACT ISSUED TO THE PETITIONER BY 2ND RESPONDENT DT.22.9.01.

EXT.P2:- COPY OF THE NOTICE u/s. 34 OF THE R.R. ACT ISSUED TO THE PETITIONER BY 2ND RESPONDENT DT.22.9.01.

EXT.P3:- COPY OF THE STATEMENT FILED BY THE SUB TREASURY OFFICER BEFORE THE HONOURABLE LOK AYUKTA.

EXT.P4:- COPY OF THE ORDER DT.30.1.04 ISSUED BY THE HONOURABLE LOK AYUKTA.

EXT.P5:- COPY OF THE CIRCULAR NO.35/03 DT.1.7.03 ISSUED BY GOVERNMENT.

EXT.6:- COPY OF THE REPRESENTATION DT.31.3.04 SUBMITTED BY PETITIONER BEFORE THE 4TH RESPONDENT.

/TRUE COPY/

tss

KURIAN JOSEPH, J.

W.P(C)No.14944 of 2004

Dated this the 14th day of March, 2007

JUDGMENT

Petitioner is aggrieved by the denial of benefits of Ext.P5 circular in the matter of refund of house building advance. According to the petitioner he is liable to pay only Rs.29,167/- in full and final settlement of the entire claims. Pursuant to interim order dated 18-5-2004 it is submitted that the petitioner has remitted an amount of Rs.30,000/-. There will be a direction to the 5th respondent to look into the matter with notice to the petitioner and take appropriate action in the light of Ext.P4 order of the Lok Ayukta and Ext.P5 circular of the Government.

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

ahg.